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EXAMINER

BASHORE, WILLIAM L

ART UNIT PAPER NUMBER

2176

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/887,873

Applicant(s)

BERGMAN ET AL.

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

- 1 This action is responsive to communications: amendment filed 4/6/2005, to the original application filed June 22, 2001.
2. The rejection of claims 1-39 under 35 U.S.C. 112, second paragraph, has been withdrawn as necessitated by amendment.
3. Claims 1-13 remain rejected under 35 U.S.C. 101 (see Response To Arguments).
4. Claims 1-39 pending. Claims 1, 8, 12, 14, 21, 25, 27, 34, 38 are independent.

Specification

5. The amendment filed 4/6/2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: All of Applicant's amendments recited on pages 2-11 of the current amendment.

It is the examiner's opinion that the amendment greatly expands the description of a "Determiner" from its original defined definition. The only description of this term is found in the original specification page 18 lines 23-27 (also Figure 7), which defines a "Determiner" as the following "*A determiner 740 is used to determine whether it is appropriate to insert a reference to the second cell in the formula. The determiner might comprise a computer program or other logic within the computing device.*" (italics added). Applicant's amendment adds many more functions to the determiner not present in the original specification, such as the following: (the following examples are not meant to be comprehensive) "the Determiner 740 terminates formula editing..." (page 2), "Additionally, the formula '=A2*B2' is entered by the Determiner 740 as the contents of cell A4." (page 2), etc.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-13, 27-39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In regard to independent claims 1, 8, 12, the combined limitations within each of said claims can be interpreted as a series of mental and/or manual steps (i.e. spreadsheets with written formulas can be created/edited via graph paper and pencil), therefore said claims are directed to non-statutory subject matter. The examiner's suggestion of changing each of said claim to read "*A computer executable method...*", or "*A computer implemented method...*", would serve to overcome this rejection.

The following rejections are based upon a possible interpretation that said claims are computer implemented.

In regard to dependent claims 2-7, 9-11, 13, said claims are rejected for fully incorporating the deficiencies of their respective base claims.

In regard to independent claims 27, 34, 38, each of said claims recite a computer program product and computer usable medium. Since specification page 22 lines 22-24 recite that said product can comprise a "carrier wave", said claims are deemed non-statutory for at least failing to be tangible embodied.

In regard to dependent claims 28-33, 35-37, 39, said claims are rejected for fully incorporating the deficiencies of their respective base claims.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 1-39 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention. The invention is Microsoft Excel 2000 (hereinafter Excel 2000), 1999 Microsoft Corporation, screenshots from application pages 1-1.**

In regard to independent claim 1, Excel 2000 discloses a spreadsheet program as shown on Excel 2000 pages 1 and 2. Cell C1 has been customized to include a typical (editable) formula for holding the result of summing cells A1 and B1 (Excel 2000 pages 2 and 3). Page 3 shows cell C1 (designated as a first cell) activated into edit mode. While in edit mode, a user selects cell B3 (designated as a second cell) in response to a user mouse click.

Subsequent to a user's determination that cell B3 should not be entered into the first cell's formula (i.e. does not conform to a predetermined syntax), the "X" box is depressed, which cancels the action, reverting cell C1's formula back to the current state (Excel 2000 pages 5 and 6). If said user determines that said reference does conform to a predetermined syntax, then the reference is entered into the first cell's formula.

Excel 2000 discloses a user activating cell B3, after the editing process as explained above (Excel 2000 page 7).

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In regard to dependent claim 2, Excel 2000 discloses display of a formula toolbar when a formula is edited (Excel 2000 page 8 – drop down menu, also “X” and “+ “ buttons, and input block).

In regard to dependent claim 3, Excel 2000 discloses closing display of a formula toolbar when a formula is out of editing mode (Excel 2000 page 10 – drop down menu, also elimination of “X” and “+ “ buttons).

In regard to dependent claims 4, 5, 6, Excel 2000 discloses upon selection of a function (i.e. Insert, Function, select “IF” from top menu), a dialog opens and a mathematical operator “=” is added to an otherwise blank formula (Excel 2000 page 9). Excel 2000 also discloses function toolbar (drop down menu) operator “IF”, “SUM” etc. Excel 2000 page 8).

In regard to dependent claim 7, Excel 2000 teaches if a user wishes, he/she can select the “+ “ button, therefore entering cell reference B3 to the formula in the first cell (Excel 2000 pages 5, 11 respectively). A user can also delete said reference formula accordingly, if necessary.

In regard to independent claim 8, Excel 2000 discloses a spreadsheet program as shown on Excel 2000 pages 1 and 2. Cell C1 has been customized to include a typical (editable) formula for holding the result of summing cells A1 and B1 (Excel 2000 pages 2 and 3).

Excel 2000 discloses a user initially selecting cells C1 and C2 (as a cell group) (Excel 2000 pages 12, 13). Although two cells are initially selected, each cell can then be individually selected for editing via toggling using “ENTER” key, in this case cell C2.

Excel 2000 page 12 shows cell C2 activated into edit mode, with the knowledge that cell C1 (also selected) contains an existing formula, as explained above.

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In addition, Excel 2000 discloses a spreadsheet program as shown on Excel 2000 pages 1 and 2. Cell C1 has been customized to include a typical (editable) formula for holding the result of summing cells A1 and B1 (Excel 2000 pages 2 and 3). Page 3 shows cell C1 (designated as a first cell) activated into edit mode. While in edit mode, a user selects cell B3 (designated as a second cell) in response to a user mouse click.

Subsequent to a user's determination that cell B3 should not be entered into the first cell's formula (i.e. does not conform to a predetermined syntax), the "X" box is depressed, which cancels the action, reverting cell C1's formula back to the current state (Excel 2000 pages 5 and 6). If said user determines that said reference does conform to a predetermined syntax, then the reference is entered into the first cell's formula.

Excel 2000 discloses a user activating cell B3, after the editing process as explained above (Excel 2000 page 7).

In regard to dependent claim 9, Excel 2000 discloses display of a formula toolbar when a formula is edited (Excel 2000 page 8 – drop down menu, also "X" and "+" buttons, and input block).

In regard to dependent claim 10, Excel 2000 discloses that double clicking in a cell (or in the input bar) initiates formula editing.

In regard to dependent claim 11, Excel 2000 discloses display of a formula toolbar when a formula is edited (Excel 2000 page 8 – drop down menu, also "X" and "+" buttons, and input block).

In regard to independent claim 12, Excel 2000 discloses a spreadsheet program as shown on Excel 2000 pages 1 and 2. Cell C1 has been customized to include a typical (editable) formula for holding the result of summing cells A1 and B1 (Excel 2000 pages 2 and 3). Page 3 shows cell C1 activated into a formula entry area (edit mode). While in edit mode, a user selects cell B3 in response to a user mouse click (user input). It is noted that selection of cell B3 initially adds "B3" to the formula.

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Subsequent to a user's determination that cell B3 should not be entered into the first cell's formula (i.e. does not conform to a predetermined syntax), the "X" box is depressed, which cancels the action, reverting cell C1's formula back to the current state (Excel 2000 pages 5 and 6). If said user determines that said reference does conform to a predetermined syntax, then the reference is entered into the first cell's formula.

In regard to dependent claim 13, Excel 2000 discloses additional functions which can be added to a formula, including "DATE", which is a form of search query, since it searches and returns a date-time code (Excel 2000 page 14).

In regard to independent claim 14, claim 14 reflects the system comprising computer executable instructions for implementing the methods as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

During interaction with Excel 200, a user can determine syntax conformity accordingly. Alternatively, Excel 2000 provides various auditing tools to (automatically) visually trace errors (i.e. conformity errors, etc.) as well as automatically circle invalid data etc.

In regard to dependent claims 15-20, claims 15-20 reflect the system comprising computer executable instructions for implementing the methods as claimed in claims 2-7 respectively, and are rejected along the same rationale.

In regard to independent claim 21, claim 21 reflects the system comprising computer executable instructions for implementing the methods as claimed in claim 8, and in further view of the following, is rejected along the same rationale.

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During interaction with Excel 200, a user can determine syntax conformity accordingly. Alternatively, Excel 2000 provides various auditing tools to (automatically) visually trace errors (i.e. conformity errors, etc.) as well as automatically circle invalid data etc.

In regard to dependent claims 22-24, claims 22-24 reflect the system comprising computer executable instructions for implementing the methods as claimed in claims 9-11 respectively, and are rejected along the same rationale.

In regard to independent claim 25, claim 25 reflects the system comprising computer executable instructions for implementing the methods as claimed in claim 12, and in further view of the following, is rejected along the same rationale.

During interaction with Excel 200, a user can determine syntax conformity accordingly. Alternatively, Excel 2000 provides various auditing tools to (automatically) visually trace errors (i.e. conformity errors, etc.) as well as automatically circle invalid data etc.

In regard to dependent claims 26, claim 26 reflects the system comprising computer executable instructions for implementing the methods as claimed in claim 13, and is rejected along the same rationale.

In regard to independent claim 27, claim 27 reflects the computer program product comprising computer executable instructions for implementing the methods as claimed in claim 14, and is rejected along the same rationale.

In regard to dependent claims 28-33, claims 28-33 reflect the system comprising computer executable instructions for implementing the methods as claimed in claims 15-20 respectively, and are rejected along the same rationale.

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In regard to independent claim 34, claim 34 reflects the system comprising computer executable instructions for implementing the methods as claimed in claim 8, and is rejected along the same rationale.

In regard to dependent claims 35-37, claims 35-37 reflect the system comprising computer executable instructions for implementing the methods as claimed in claims 9-11 respectively, and are rejected along the same rationale.

In regard to independent claim 38, claim 38 reflects the system comprising computer executable instructions for implementing the methods as claimed in claim 12, and is rejected along the same rationale.

In regard to dependent claims 39, claim 39 reflects the system comprising computer executable instructions for implementing the methods as claimed in claim 13, and is rejected along the same rationale.

Response to Arguments

10. Applicant's arguments filed 4/6/2005 have been fully and carefully considered but they are not persuasive.

The examiner respectfully maintains the rejection of claims 1-13 under 35 USC 101 as directed to non-statutory subject matter. Although Applicant amends said claims to recite a method in a computer system, nevertheless, the claimed limitations of representative claim 1 can be decided and/or stored mentally.

It is respectfully noted that without clarification in the relevant claims, a user designated as a "determiner" can fall within the broadest reasonable interpretation (within the relevant art) of said claims. Also note that Excel 2000 provides built in auditing tools for automatically determining data conformity, etc.

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Applicant's arguments regarding the examiner's rejection of the claimed phrase "*appropriate for entry*" etc. are currently moot. However, it is respectfully noted that Applicant's addition of "*predetermined syntax*" etc. to the independent claims significantly changes the scope of the claimed invention when interpreted as a whole.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

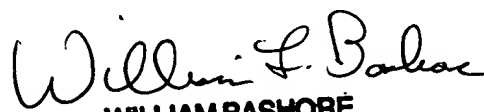
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


WILLIAM BASHORE
PRIMARY EXAMINER

June 25, 2005